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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,654	11/07/2006	Fabrice Madigou	15675 P616	3704
8791 7590 10/26/2010 BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040				
EXAMINER				
DEODHAR, OMKAR A				
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3714				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/583,654

**Applicant(s)**

MADIGOU, FABRICE

**Examiner**

OMKAR A. DEODHAR

**Art Unit**

3714

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 July 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/22)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### **Final Rejection**

1. Examiner acknowledges that Claims 1 and 3-13 are pending.
2. Examiner acknowledges the amendments to Claims 1 and 8.

### ***Response to Arguments & Amendment***

3. Applicant's argument drawn towards the present amendment, overcoming the Section 112 rejection, is persuasive. The Section 112 rejection is withdrawn.

4. The remainder of Applicant's arguments has been considered but is unpersuasive.

Applicant concedes Raviv's disclosure of a concave view screen yet Applicant contends that since this screen is part of a headset and used for the purpose of magnifying a displayed image, Raviv fails to render obvious the claimed invention. Applicant also contends that Raviv's concave view screen is a semi-reflecting mirror thus inconsistent with the claimed "display," or image-generating device and that Raviv teaches away from his invention. Examiner respectfully disagrees for the reasons set forth below.

5. First, that Raviv's concave view screen is part of a head-mounted display does not detract from the underlying teaching of a concave view screen used to display a game. A person of ordinary skill in the art would realize that regardless of where a view screen is mounted (e.g. in a hand-held device, a headset, a car dashboard etc.,) it nevertheless accomplishes the same purpose of displaying information.

6. Second, merely because Raviv happens to utilize his concave view screen for a purpose unlike Applicant's intended use, does not render Raviv's concave view screen incapable of other uses. In the present case, Raviv teaches a concave view screen and a person of ordinary skill in

the art would realize that such a concave view screen can reasonably be used in other applications including the hand-held, portable gaming system taught by Tulley in view of Norman.

7. Moreover, a person of ordinary skill in the art is also a person of ordinary creativity that would appreciate other uses for a concave view screen -- Since by definition a concave screen provides a screen with an inward-curving surface, such a screen consequently impedes viewability from angles that are not substantially orthogonal to the screen's center. This yields the benefit of increasing the confidentiality of data displayed on the screen because the viewer operating the device has the greatest viewability whereas persons located adjacent to the viewer have less viewability. Thus, a person of ordinary skill in the art would appreciate other uses for Raviv's concave view screen.

8. Finally, Applicant's argument about Raviv's concave screen being a semi-reflecting mirror and thus inconsistent with the term "display," is unpersuasive for two reasons. First, Applicant's argument is not commensurate in scope with the claims. The claims merely require an "image generating device," and the since Raviv's concave view screen displays an image, it is an image generating device. Second, even assuming, *arguendo*, that Raviv's view screen is inconsistent with the term "display" as used in the claims, Raviv's relevant teaching is that a screen that happens to have a concave shape was known in the art prior to Applicant's invention. This sets aside the specific workings of the tertiary's reference's image generating device. As explained above, a person of ordinary skill in the art would appreciate that providing a screen with a concave shape increases confidentiality of data displayed via the screen. Changes to the prior art utilizing known methods yielding predictable results are considered obvious.

9. Based on the foregoing, the Section 103 rejection is respectfully maintained.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

12. **Claims 1 & 3-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tulley (US 6,719,631) in view of Norman (US 5,702,305) in yet further view of Raviv (US 5,683,297).**

13. **Regarding Claims 1, 8:** Tulley discloses a personal interface portable device for electronic card games and an electronic game system comprising a thin display screen (Figure 12), a tactile detection faceplate superimposed on the thin display screen, (Column 7, Lines 38-42 – a touch screen), control circuits for acting on a game display using the thin display screen in response to the actions detected by the detection faceplate (Col. 7. Lines 25-67 disclose features of the player device including a processor & circuitry).

Tulley does not teach an interface being capable in cooperation with a central system to display a set of cards on said screen, to select a card among said displayed cards, and to extract a selected card from the set, to cause said selected card to be displayed on said central system display screen *or* to transfer said selected card to a set of cards displayed in an identical device of another user.

In a related invention drawn towards portable gaming interfaces, Norman teaches an electronic game system with a centrally located game board (a central system) containing images applicable to games being played. Images may change & be depicted on the central game board. See Norman, Figure 4 & Col. 6. Lines 27-42.

Specifically, in Col. 6. Lines 27-42, Norman discusses the embodiment shown in Figure 4. Gameboard 42 contains images 44 that "can be individual embedded direct view image displays, capable of change in color & image depicted" & further "a centrally located directed view image display area 46 for the display of common view information, viewable by all players of the game." Next, see Col. 3. Lines 16-20 where Norman discloses that the common view area reflects changes as the player moves (progresses) in a game. Additionally, see Figure 1 where Norman explicitly shows each player's device in communication with the central system. Finally, see Figure 11 where Norman shows a card game.

Norman thus teaches an embodiment where a player's actions are reflected on the system's central display. Selecting a card from a set of cards for display on a central system consequently falls within the scope of Norman's disclosure.

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Tulley to have a central system with a display region as taught by Norman

for the purpose of increasing player interaction. (See Norman Col. 1. Lines 35-40; 65-67, Col. 2. Lines 1-10 providing motivation for this modification). Persons of ordinary skill in the art would realize that player enjoyment is enhanced when a game requires social interaction and generally, multiplayer scenarios. Indeed, Norman suggests that implementing his invention using a central display region reflecting player actions creates social interaction which makes game play more enjoyable. Therefore, such a modification yields expected results.

Since the portable devices taught by both Tulley & Norman are directed to the common purpose of allowing players to interact & engage in games using portable, hand-held devices, such a modification is viewed as a substitution of known elements with predictable results - games of chance requiring player collaboration benefit with a central display.

While Tulley in view of Norman teaches the invention substantially as claimed & it could be argued that Tulley's screen shown in Figure 12 is curved at the edges, Tulley in view of Norman does not explicitly teach, wherein the display screen and the faceplate define a concave surface facing the user, whereby the confidentiality of a displayed card hand is increased relative to the display screen and faceplate defining other than a concave surface facing the user.

In a related gaming system drawn towards as gaming display device, Raviv teaches a concave screen for magnifying images. (See Raviv Col. 3. Lines 42-45, Fig. 3, concave screen 32). It would have been obvious to a person of ordinary skill in the art at time of Applicant's invention to provide a screen with a concave surface in the portable gaming device taught by Tulley in view of Norman for the purpose of magnifying images, resulting in improved viewing capability. See the cited portion of Raviv for motivation. Moreover, since by definition a concave screen provides a screen with an inward-curving surface, such a screen consequently

impedes viewability from angles that are not substantially orthogonal to the screen. This yields the benefit of increasing the confidentiality of data displayed on the screen because the viewer operating the device has the greatest viewability whereas persons located adjacent to the viewer have the least viewability. Changes to the prior art utilizing known methods yielding predictable and expected results are considered obvious.

Furthermore, since it has been demonstrated that a concave screen on the portable device increases confidentiality of data (i.e. anything displayed on the screen, including a displayed hand), it follows that the confidentiality of displayed data is increased relative to a display screen and faceplate that do not utilize a concave surface. Therefore, the confidentiality of a displayed card hand is increased relative to the display screen and faceplate *defining other than a concave surface facing the user*.

14. **Regarding Claims 3-5, 9-11:** Tulley's electronic device is hand-held. This teaches a handle housing circuitry. The display is mounted on a handle. (See Tulley, Figure 12). Buttons (242) are similarly mounted to a handle. Clearly, the buttons are made in a tactile manner such that users can press them.

15. **Regarding Claims 6, 7, 12, 13:** Tulley's screen/faceplate is generally rectangular. See Tulley, Fig. 12. Hence, Tulley in view of Norman and Raviv does not teach a generally circular contour shape. Applicant's Specification discloses this feature as "optional". See Specification Page 2, Lines 10-15. Therefore, since Applicant admits this feature is optional, it would have been a matter of obvious design choice to a person of ordinary skill in the art at the time of Applicant's invention to provide a generally circular contoured shape for the display/faceplate taught Tulley in view of Norman and Raviv. A person of ordinary skill in the art would realize



that users' preferences differ & a generally circular contour may be more pleasing than a rectangular one. This yields predictable results.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **OMKAR A. DEODHAR** whose telephone number is (571)272-1647. The examiner can normally be reached on **M-F: 8AM - 4:30 PM**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **David Lewis**, can be reached on **571-272-7673**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Omkar Deodhar/

/David L Lewis/

Supervisory Patent Examiner, Art Unit 3714